

Notice of Allowability

Application No.

10/726,956

Examiner

Helen L. Pezzuto

Applicant(s)

FANSLER ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to _____.
2. ☒ The allowed claim(s) is/are 1-5 and 7-26.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

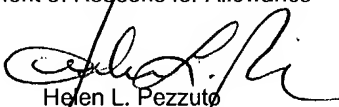
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date attached hereto.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Helen L. Pezzuto
Primary Examiner
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EXAMINER'S AMENDMENT

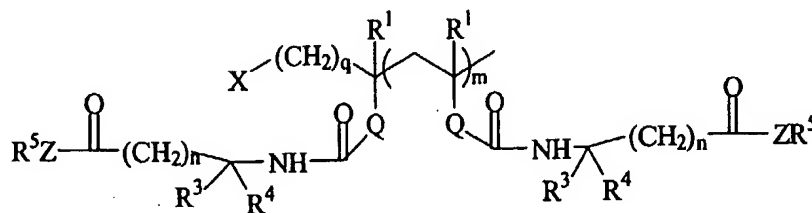
1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dr. Kent S. Kokko on 4/8/04.

The application has been amended as follows:

In claim 1, after "an organonitroxide." on line 6, please insert beginning on line 7:

---Wherein the (co)polymer comprises the structure
 $Az-(M^1)_x-ON(R^2)_2$, wherein $ON(R^2)_2$ is the residue of an organonitroxide; M^1 is a monomer unit derived from a radically (co)polymerizable monomer unit having an average degree of polymerization x , and Az is a ring-opened azlactone group of the formula:



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wherein X is an H, an alkyl group, a cycloalkyl group, a heterocyclic group, an arenyl group, an aryl group, a nitrile, an acyl group or the residue of a free-radical initiator; R¹ is H, an alkyl group, a cycloalkyl group, a heterocyclic group, an arenyl group or an aryl group; R³ and R⁴ are each independently selected from an alkyl, a cycloalkyl group, an aryl group, an arenyl group, or R³ and R⁴ taken together with the carbon to which they are attached from a carbocyclic ring; Q is a linking group selected from a covalent bond, (-CH₂-)_o, -CO-O-(CH₂)_o-, -CO-O-(CH₂CH₂O)_o-, -CO-NR⁶-(CH₂)_o-, -CO-S-(CH₂)_o-, where o is 1 to 12, and R⁶ is H, an alkyl group, a cycloalkyl group, an arenyl group, a heterocyclic group or an aryl group; each n is 0 or 1; m is 0 to 20; q is 0 or 1; Z is O, S or NR⁶, wherein R⁶ is H, an alkyl group, a cycloalkyl group, an arenyl group, a heterocyclic group or an aryl group; R⁵ is an organic or inorganic moiety and has a valency of p.---

Please cancel claim 6.

In claim 7, line 16, after "R⁶ is", and before "H,", please delete the second occurrence of ---is---.

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In claim 13, line 24, after "preparing the", and before "of claim 1", please delete --- (co)polymer ---, and insert thereof -- (co)polymer ---.

In claim 13, line 12, after "R⁶ is", and before "H,", please delete the second occurrence of --- is ---.

In claim 22, line 20, after "conducted", and before "or", please delete --- neat ---, and insert thereof --- in bulk ---.

In the specification, page 1, line 8, please delete --- allowed ---, and insert thereof --- US 6,680,362 B1 ---.

1. The following is an examiner's statement of reasons for allowance:

Prior art of record, taken alone or in combination, do not fairly suggest or disclose the presently claimed telechelic (co)polymer having the combined first and second ring-opened azlactone and organonitroxide residue terminal groups as expressed in the instant claims. Furthermore, there is no evidence of record in the teaching of preparing the claimed telechelic (co)polymer as expressed in claims 13-26.

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Accordingly, the presently claimed invention as defined by claims 1-5, and 7-26 is patentable with respect to prior art of record.

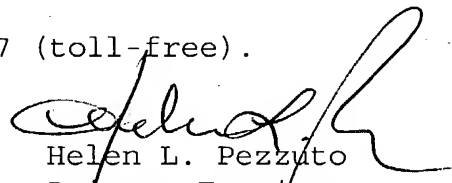
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen L. Pezzuto whose telephone number is (571) 272-1108. The examiner can normally be reached on 8 AM to 4 PM, Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Helen L. Pezzuto
Primary Examiner
Art Unit 1713

hlp